

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS,
DEL RIO DIVISION

FILED

JUN 26 2008

GENOVEVA MORALES, et al.,

Plaintiffs,

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v.

CAUSE NO. DR-70-CA-14

E.P. SHANNON, et al.,

Defendants.

ORDER

Before the Court is defendant Uvalde Consolidated ISD's amended motion to dismiss and alternative motion to modify the decree. (Docket no. 153.) Plaintiffs do not contest the alternative relief sought, that is, to relocate the Excel Academy as approved by the District's board of trustees. Based on the District's representations concerning the Excel Academy and the lack of objections, the Court finds that it is in the best interests of the students at the Academy and the District as a whole that the alternative motion to modify be granted.

It is therefore ORDERED that the District's alternative motion to modify the decree to permit the relocation of Excel Academy from 129 Goldbeck Street to No. 2 Coyote Trail is GRANTED. The Court finds that it is premature to rule on the amended motion to dismiss since discovery is ongoing, therefore the amended motion to dismiss is held in abeyance. The Court does find that the amended motion to dismiss supersedes the previous motion to dismiss. Therefore, the motion to dismiss filed June 25, 2007 (docket no. 110) is DISMISSED as moot.

SIGNED this 26 day of June, 2008.

Orlando L. Garcia

ORLANDO L. GARCIA
UNITED STATES DISTRICT JUDGE